

Appln No. 10/731,665

Amdt date January 4, 2005

Reply to Office action of October 4, 2004

REMARKS/ARGUMENTS

Claims 1, 2 and 4-22 are pending in this application, of which claims 1, 13, 20 and 21 are independent. Claims 1, 4, 6, 11 and 16 have been amended. Claim 22 is new. The amendments and new claim add no new matter and find full support in the application as originally filed. In view of the above amendments and following remarks, Applicant respectfully requests reconsideration and a timely indication of allowance.

Information Disclosure Statement

The Examiner states that "the references on the IDS [submitted on December 9, 2003] have been considered. However, one - 4,619,069 to Strickland, appears to be irrelevant as a 'DOUBLE TAILED FISH BAIT'. Perhaps this is only a typographical error that requires attention" (current Office action, page 2, paragraph 1.) The Applicant appreciates the Examiner's recognition of this typographical error. The Examiner is correct. Applicant intended to submit U.S. Patent Number 4,619,063 (Hill) in the above referenced IDS, rather than U.S. Patent Number 4,619,069 (Strickland.) Applicant is submitting an additional IDS disclosing the originally intended Hill reference to the Examiner.

Claim Objections

Claims 4, 6 and 16 have each been objected for containing informalities as detailed by the Examiner on page 2, paragraphs 2-4 of the current Office action. Claims 4, 6 and 16 have each been amended as suggested by the Examiner for clarity.

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Accordingly, Applicant respectfully requests that the objections to claim 4, 6, and 16 be withdrawn.

Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claim 11 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner states that it "would appear that claim 11 would better depend from claim 10" than claim 1. (Current Office action, page 2, paragraphs 6 and 7.) Claim 11 has been amended as suggested by the Examiner for clarity to depend from claim 10 rather than claim 1. Accordingly, Applicant respectfully requests that the rejection of claim 11 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejections Under 35 U.S.C. § 102(b)

The Examiner has rejected under 35 U.S.C. § 102(b): claims 1, 2, 4, 8 and 10 as allegedly being anticipated by Davis (U.S. Patent No. 5,048,215); and claims 1, 2, 4, 5 and 7-9 as allegedly being anticipated by Lewis (U.S. Patent No. 2,927,390). The Examiner has rejected under 35 U.S.C. § 102(e): claims 1-3, 8 and 12 as allegedly being anticipated by Armstrong (U.S. Patent No. 6,543,172.)

Applicant respectfully traverses these rejections. Claim 1 has been amended to include the limitations of claim 3. The Examiner's only basis for the rejection of claim 3 was the

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Armstrong reference. Therefore, the Lewis and Davis references will not be discussed below.

Claim 1 is directed to a grip for a firearm, wherein the grip comprises "a housing having an internal storage cavity; and a pull tab **fixedly attached** to the housing" (emphasis added.) The Examiner claims that the cap 16 of Armstrong (what the Examiner refers to as the pull tab) is fixedly attached to the tube 14 of Armstrong (what the Examiner refers to as the housing.) However, Applicant respectfully submits that the cap 16 of Armstrong forms a removable press fit coupling with the tube 14 of Armstrong (see FIGs. 1 and 6; and col. 3, lines 55-65.) As such, Armstrong does not disclose, teach or suggest "a pull tab **fixedly attached** to the housing" (emphasis added) as is specified by claim 1.

Claim 1 also recites that the grip comprises "a housing having an internal storage cavity; and a pull tab fixedly attached to the housing and comprising: a body, and a stopper attached to the body, which removably engages a wall that defines an open end of the internal storage cavity."

The Examiner maintains that the tube 14 of Armstrong is the claimed grip housing having the claimed internal storage cavity. The tube 14 of Armstrong is not a grip for a firearm, it is a tubular insert for insertion into a tube cavity 125 of a buttstock 12. If the Examiner is contending that the buttstock assembly 10 of Armstrong is the claimed grip, then it is the tube cavity 125 in the buttstock 12 of Armstrong that is analogous to the claimed internal storage cavity in the claimed grip housing, and not the cavity of the tube 14.

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The stem 162 of Armstrong (what the Examiner analogizes to the claimed stopper) engages the cavity of the tube 14, and not the cavity 125 of the buttstock 12. As such, Armstrong does not disclose, teach or suggest "a stopper attached to the body, which removably engages a wall that defines an open end of the internal storage cavity" as specified by claim 1.

Claim 1 also recites that "the stopper comprises at least one ring about its perimeter, which removably frictionally engages the wall that defines the open end of the internal cavity." Similar to that presented above, the ring 161 on the stem 160 of Armstrong engages the cavity of the tube 14, and not the cavity 125 of the buttstock 12 of Armstrong. As such, Armstrong does not disclose, teach or suggest that "the stopper comprises at least one ring about its perimeter, which removably frictionally engages the wall that defines the open end of the internal cavity" as specified by claim 1.

Consequently, for any one of the reasons given above, Armstrong does not anticipate claim 1. Claims 2 and 4-12 depend from claim 1. Claim 1 is now believed to be in condition for allowance over Armstrong. As such, Applicant submits that claims 2 and 4-12 are also allowable over Armstrong as being dependent from an allowable base claim and for the additional limitations they contain therein. Accordingly, Applicant respectfully requests that the rejection of claims 1, 2, 4, 8 and 10 over Davis; and claims 1, 2, 4, 5 and 7-9 over Lewis under 35 U.S.C. § 102(b); and claims 1-3, 8 and 12 over Armstrong under 35 U.S.C. § 102(e) be withdrawn.

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Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 4, 10 and 11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Armstrong. Applicant respectfully traverses this rejection. As presented above, Applicant respectfully submits that claim 1 is in condition for allowance over Armstrong. Claims 4, 10 and 11 each depend from claim 1. As such, Applicant submits that claims 4, 10 and 11 are also allowable over Armstrong as being dependent from an allowable base claim and for the additional limitations they contain therein. Accordingly, Applicant respectfully requests that the rejection of claims 4, 10 and 11 over Armstrong under 35 U.S.C. § 103(a) be withdrawn.

Allowable Subject Matter

The Examiner states that "claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims." Although Applicant appreciates the Examiner's recognition of claim 6 as being allowable, since claim 6 is dependent on claim 1 Applicant respectfully submits that claim 6 is allowable as being dependent from an allowable base claim and for the additional limitations it contains therein.

New Claims

New claim 22 has been added. Claim 22 is dependent from claim 1. As such, Applicant respectfully submits that claim 6 is allowable as being dependent from an allowable base claim and

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for the additional limitations it contains therein. For example, claim 22 recites that "the housing comprises an external surface that forms an external surface of the grip."

The Examiner claims that the tube 14 of Armstrong is the claimed grip housing. However, Armstrong does not disclose, teach or suggest that its tube 14 "comprises an external surface that forms an external surface of the grip," as specified by claim 22. As such, Applicant respectfully submits the claim 22 is in condition for allowance over Armstrong for this additional reason.

Statement of Reasons for the Indication of Allowable Subject Matter

In response to the Examiner's Statement of Reasons for the Indication of Allowable Subject Matter (current Office action, page 7, paragraph 37), Applicant respectfully submits that the Examiner's stated reasons for allowance are unnecessary. The record as a whole makes clear the reasons for allowance and therefore a statement by the Examiner is not necessary. While Applicant agrees that the claims are allowable, Applicant does not necessarily acquiesce in the stated reasons for allowance, nor that patentability requires each stated feature as expressed by the Examiner.

In view of the above amendments and remarks, Applicant respectfully submits that claims 1, 2 and 4-22 are in condition for allowance, and a timely indication of allowance is respectfully requested. If there are any remaining issues that

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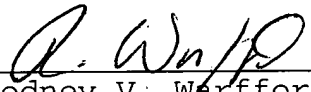
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can be addressed by telephone, Applicant invites the Examiner to contact the undersigned at the number indicated.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

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